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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,712	03/05/2002	Yoshio Tsukahara	OT-4607	2569

7590 10/23/2003

Randy G Henley
Otis Elevator Company
Intellectual Property Department
Ten Farm Springs
Farmington, CT 06032

EXAMINER

CRAWFORD, GENE O

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,712

Applicant(s)

TSUKAHARA ET AL.

Examiner

Gene O. Crawford

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer.

The escalator step disclosed by Fischer includes all the claimed features and in particular includes a tread 2 and a riser 11 extending downward from a rear edge of the step, the step including a non-slip surface 3, 40 of a fixed length and prescribed width mounted to the rear edge of the step; and the non-slip surface is comprised of a synthetic resin (i.e. rigid, slightly resilient plastic) formed with cleats conforming to the step tread (column 5, lines 53-55).

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer as applied to claims 2 and 3 above, and further in view of Saito et al.

With regard to claim 4, Fischer includes all the claimed features but does not disclose a serrated irregular part formed on the top surface of the cleats of the non-slip

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surface. However, Saito et al. discloses the broad teaching of providing cleats for the surfaces of an escalator step with serrated surfaces in the longitudinal or transverse direction of the cleat top surface (figures 2, 3, 7A, 8, 9). It would have been obvious to one of ordinary skill in the art to provide the top surfaces of the cleats of the anti-slip surface of Fischer include serrated surfaces to facilitate an anti-slip surface and provide strengthening and wear resistance to the top portion of the cleats as taught by Saito et al.

Allowable Subject Matter

5. Claim 1 is allowed.
6. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: an escalator step including the unique features of 'cleats of the non-slip surface being formed to be at a height higher than the tread' and/or 'the non-slip surface being fastened to a reinforcing plate that is fixed within a cleat cutout part of the step' in combination with the rest of the claim language is not taught or fairly suggested by the prior art.
8. The following is an examiner's statement of reasons for allowance: an escalator step having a riser including the unique features of 'the riser having a toothed surface made of cleats with one or more grooves formed in longitudinal direction on the surface

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of each of the cleats' in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

9. Applicant's arguments, see pages 3-4, filed September 22, 2003, with respect to the rejections of claims 2-4 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Fischer.

10. Applicant's arguments, see page 1-2, filed September 22, 2003, with respect to claim 1 have been fully considered and are persuasive. The 103 rejection of claim 1 has been withdrawn.

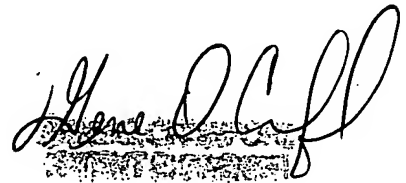
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 703/305-9733. The examiner can normally be reached on Monday thru Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 703/308-1113. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/308-1113.

A handwritten signature in black ink, appearing to read "J. Henry D. C. P.", is written over a rectangular area that has been heavily textured or stamped, possibly indicating a signature block or a specific administrative area.

gc

October 22, 2003